



5. Plaintiff requests that the Court enter the proposed order attached hereto as Exhibit B.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Default Judgment in favor of Plaintiff and against Defendant, BOSTON PLUMBING, INC., providing the following:

- a. Requiring that, within 21 days of entry of judgment, Defendant submit to auditors designated by Plaintiff all books, records, and other information that such auditors may reasonably request for the purpose of an audit verifying Defendant's compliance with its contribution and other obligations under its collective bargaining agreement with Union during the period from October 1, 2005, to the present;
- b. Enjoining and ordering Defendant to fully complete and submit to Union within 21 days of entry of judgment all delinquent monthly contribution reports, and to continue to timely submit such reports while this action is pending and in the future;
- c. Retaining jurisdiction to enforce the provisions of such judgment and to enter supplemental judgment(s) in favor of Plaintiff and against Defendant for all unpaid contributions and other amounts shown to be due and owing under the collective bargaining agreement, ERISA, and/or LMRA, including but not limited to interest, liquidated damages, audit costs, attorneys' fees, and court costs; and
- d. Awarding in favor of Plaintiff and against Defendant such other and further relief as the Court deems just and equitable.

JAMES T. SULLIVAN, etc., by his  
attorneys, DOUGLAS A. LINDSAY, JOHN  
W. LOSEMAN, LISA M. SIMIONI, and  
BRIAN T. BEDINGHAUS

Of Counsel:  
LEWIS, OVERBECK & FURMAN, LLP  
20 North Clark Street, Suite 3200  
Chicago, IL 60602-5093  
312.580.1200

By: s/ Brian T. Bedinghaus  
Brian T. Bedinghaus  
LEWIS, OVERBECK & FURMAN, LLP  
20 North Clark Street, Suite 3200  
Chicago, IL 60602-5093  
312.580.1269

PROOF OF SERVICE

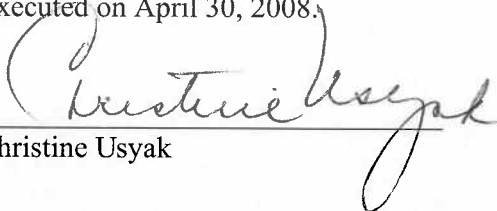
I served a copy of the foregoing Motion for Default Judgment upon:

Boston Plumbing, Inc.  
c/o Daniel E. Boston, registered agent  
1110 Kasting Lane  
Mundelein, Illinois 60060

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Chicago, Illinois on April 30, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2008.

  
Christine Usyak

Lewis, Overbeck & Furman, LLP  
20 N. Clark St., Suite 3200  
Chicago, IL 60602-5093  
312-580-1200

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

## SUMMONS IN A CIVIL CASE

JAMES T. SULLIVAN, not individually but as Trustee of  
PLUMBERS' PENSION FUND, LOCAL 130, U.A., et al.,

Plaintiff,

V.

BOSTON PLUMBING, INC., an Illinois Corporation,

Defendant.

CASE NUMBER: 08CV1785 EDA

JUDGE KOCORAS

ASSIGNED JUDGE: MAGISTRATE JUDGE KEYS

DESIGNATED

MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

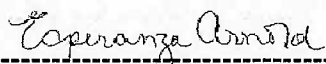
Boston Plumbing, Inc.  
c/o Daniel E. Boston - registered agent  
1110 Kasting Lane  
Mundelein, Illinois 60060

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Douglas A. Lindsay  
John W. Loseman  
Brian T. Bedinghaus  
Lisa M. Simioni  
Lewis Overbeck & Furman, LLP  
20 N. Clark Street, Suite 3200  
Chicago, Illinois 60602

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

March 27, 2008

Date



AO 440 (Rev. 05/00) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE April 9'th, 2008
NAME OF SERVER (PRINT) Don Johnson	TITLE Special Process Server

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☒ Other (specify): Personally handed the Summons and the Complaint to Ms. Melissa Boston, the 22 year old daughter of Mr. Daniel Boston, the R/A for Boston Plumbing, Inc. Service was effected at the Boston residence at 1110 Kasting Lane, in Mundelein, Illinois, at the hour of 4:00 p.m., on April 9th, 2008.

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on April 9'th, 2008  
Date

Signature of Server

Don Johnson  
Post Office Box # 911  
Tinley Park, Illinois 60477

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# **EXHIBIT B**

4-29-08 BTB137124

65100-1139LIT4771

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JAMES T. SULLIVAN, not individually but as Trustee	)	
of PLUMBERS' PENSION FUND, LOCAL 130, U.A.,	)	
PLUMBERS' WELFARE FUND, LOCAL 130, U.A.,	)	
THE TRUST FUND FOR APPRENTICE AND	)	No. 08 C 1785
JOURNEYMEN EDUCATION AND TRAINING,	)	
LOCAL 130, U.A., and CHICAGO JOURNEYMEN	)	
PLUMBERS' LOCAL UNION 130, U.A.,	)	
GROUP LEGAL SERVICES PLAN FUND,	)	
	)	Judge Kocoras
Plaintiff,	)	
	)	Magistrate Judge Keys
v.	)	
	)	
BOSTON PLUMBING, INC., an Illinois corporation,	)	
	)	
Defendant.	)	

JUDGMENT ORDER

This matter having come to be heard on Plaintiff's Motion for Default Judgment, due notice having been given to all parties entitled thereto, and the Court being fully advised in the premises

IT IS HEREBY ORDERED that Plaintiff's Motion is granted; Defendant is held in default, and judgment is entered in favor of Plaintiff, and against Defendant as provided herein;

IT IS FURTHER ORDERED that on or before May 27, 2008, Defendant shall submit to auditors designated by Plaintiff all books, records, and other information that such auditors may request for the purpose of an audit verifying Defendant's compliance with its contribution and other obligations under its collective bargaining agreement with Chicago Journeymen Plumbers' Local Union 130, U.A., during the period from October 1, 2005, to the present;



IT IS FURTHER ORDERED that on or before May 27, 2008, Defendant shall fully complete and submit to Union all delinquent monthly contribution reports, and shall continue to timely submit such reports while this action is pending and until the collective bargaining agreement is terminated; and

IT IS FURTHER ORDERED that the Court retains jurisdiction to enter any orders necessary to effectuate and enforce the terms of this Order, and to enter such other and further judgment(s) in favor of Plaintiff and against Defendant for unpaid contributions and other amounts shown to be due and owing under the collective bargaining agreement, ERISA, and/or LMRA, including but not limited to interest, liquidated damages, audit costs, attorneys' fees, and court costs, as well as for such other and further relief as appears just and equitable.

Dated: \_\_\_\_\_

ENTER:

\_\_\_\_\_  
Charles P. Kocoras  
United States District Court Judge